



PATENT AND TRADEMARK  
CLASS OFFICE

Dep't Ref

2006 JUL 27 PM 3:47

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Aharon EYAL, et al.

Serial No.: 09/147,914

Group No.: 1625

Filed: May 25, 1999

Examiner: Taylor V. Oh

For: PROCESS FOR THE RECOVERY OF LACTIC ACID FROM AQUEOUS  
LACTATE SALT SOLUTIONS, INVOLVING THE USE OF ION  
EXCHANGERS

Attorney Docket No.: U 012130-1

Commissioner for Patents  
P. O. Box 1450  
Alexandria, VA 22313-1450

ATTENTION: Vincent Stuart  
Technical Center Others

Adjustment date: 08/21/2006 SDIRETA1  
02/17/2006 HDENDY 00000001 120425 09147914  
01 FC:1202 396.00 CR  
02 FC:1203 290.00 CR

RENEWED REQUEST FOR REFUND

A Completion of Filing Requirements (copy attached) was filed November 17, 2003, with an incorrect application number. However, copies of its postcard receipt and both sides of accompanying, cancelled check 047700 show that the Patent Office properly credited these together with a Preliminary Amendment that also had the correct application number on it.

CERTIFICATE OF MAILING/TRANSMISSION (37 CFR 1.8a)

I hereby certify that this correspondence is, on the date shown below, being:

**MAILING**

☒ deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to the Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450

Date: July 18, 2006

**FACSIMILE**

☐ transmitted by facsimile to the Patent and Trademark Office to (571) 273-8300

Signature

Clifford J. Mass  
(type or print name of person certifying)

BEST AVAILABLE COPY

The denial of July 7, 2006, of a refund request for \$686.00 correctly points out that the Completion of November 17, 2003, undercounted claims. The Completion and check paid a multiple dependent claim fee of \$290.00 and total claim fees of \$486.00 for 27 total claims over 20 (47 all together), but the application had 37 total claims over 20 (57 all together) on the basis of the concurrently filed Preliminary Amendment.

Therefore, the fee for ten additional total claims was due in 2003 for a total of \$180.00.

If charging claim fees to deposit account 12-0425 were not considered authorized by the Completion, they were authorized June 4, 2004 (copy attached). Therefore, the \$180.00 that remained due should have been charged at least at that time.

Instead, deposit account 12-0425 was charged \$290.00 February 17, 2006 (control seq. no. 2) for the multiple dependent claim fee (fee code 1203) that was paid November 17, 2003 by the attached check and \$396.00 (control seq. no. 1) for claims over 20 (fee code 1202) that was paid November 17, 2003 and charge authorized June 4, 2004.

Refund of these charges of \$686.00 is requested again, therefore, less the \$180.00 that was due and apparently not charged when authorized in 2004, for a refund due to deposit account 12-0425 of \$506.00.

Respectfully submitted,

Clifford J. Mass  
c/o Ladas & Parry LLP  
26 West 61<sup>st</sup> Street  
New York, New York 10023  
Reg. No. 30086  
Tel. No. (212) 708-1890



FAX #: 708-872-9306

Practitioner's Docket No. U 013130-1

**PATENT  
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of: Aharon Meir EYAL, et al

Serial No.: 09/147,914

Group No.: 1613

Filed: May 25, 1999

Examiner.: Taylor V. OH

For: PROCESS FOR THE RECOVERY OF LACTIC ACID FROM AQUEOUS LACTATE  
SALT SOLUTIONS, INVOLVING THE USE OF ION EXCHANGERS

Commissioner of Patents and Trademarks  
Washington, DC 20231

NUMBER OF PAGES 16  
(INCLUDING THIS PAGE)

**CERTIFICATION OF FACSIMILE TRANSMISSION**

I hereby certify that the following papers are being facsimile transmitted to the Patent and Trademark Office on the date shown below.

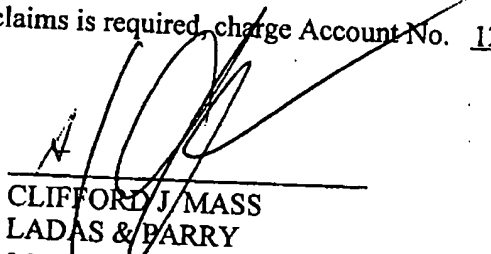
REQUEST FOR RECONSIDERATION OF PETITION DECISION;  
COPY OF CONTINUED PROSECUTION APPLICATION (CPA) PAPERS  
DATED APRIL 15, 2003; AND POSTCARD RECEIPT

Applicant believes that no extension of term is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition for extension of time.

☒ If any additional extension and/or fee is required, charge Account No. 12-0425.

AND/OR

☒ If any additional fee for claims is required, charge Account No. 12-0425.

  
CLIFFORD J. MASS  
LADAS & BARRY  
26 WEST 61ST STREET  
NEW YORK, NY 10023  
REG. NO. 30,086 (212) 708-1890

Date: June 4, 2004

**BEST AVAILABLE COPY**

Practitioner's Docket No. U 012130-1

**PATENT**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of: Aharon Meir EYAL, et al  
Application No.: 09/174,914 Group No.: 1613  
Filed: May 25, 1999 Examiner: Taylor V. Oh  
For: PROCESS FOR THE RECOVERY OF LACTIC ACID FROM AQUEOUS LACTATE SALT  
SOLUTIONS, INVOLVING THE USE OF ION EXCHANGERS

Mail Stop Missing Part  
Commissioner for Patents  
P. O. Box 1450  
Alexandria, VA 22313-1450

**COMPLETION OF FILING REQUIREMENTS  
-- NONPROVISIONAL APPLICATION**

*(check and complete this item, if applicable)*

- I. This replies to the Notice to File Missing Parts of Application (PTO-1533) or Notice of Informal Application or Notice to File Corrected Applications Papers mailed \_\_\_\_\_.

**NOTE:** *If these papers are filed before the office letter issues, adequate identification of the original papers should be made, e.g., in addition to the name of the inventor and title of invention, the filing date based on the "Express Mail" procedure, the serial number from the return post card or the attorney's docket number added.*

**CERTIFICATION UNDER 37 C.F.R. 1.8(a) and 1.10\***  
*(When using Express Mail, the Express Mail label number is mandatory;  
Express Mail certification is optional.)*

I hereby certify that, on the date shown below, this correspondence is being:

**MAILING**

- ☒ deposited with the United States Postal Service in an envelope addressed to the Commissioner for Patents,  
P. O. Box 1450, Alexandria, VA 22313-1450.

**37 C.F.R. 1.8(a)**

**37 C.F.R. 1.10\***

- ☒ with sufficient postage as first class mail.

☐ as "Express Mail Post Office to Address"  
Mailing Label No. \_\_\_\_\_ (mandatory)

**TRANSMISSION**

- ☐ transmitted by facsimile to the Patent and Trademark Office.

Date: November 17, 2003

Signature

CLIFFORD J. MASS

*(type or print name of person certifying)*

**\*WARNING:** *Each paper or fee filed by "Express Mail" must have the number of the "Express Mail" mailing label placed thereon prior to mailing. 37 C.F.R. 1.10(b).  
"Since the filing of correspondence under § 1.10 without the Express Mail mailing label thereon is an oversight that can be avoided by the exercise of reasonable care, requests for waiver of this requirement will not be granted on petition." Notice of Oct. 24, 1996, 60 Fed. Reg. 56,439, at 56,442..*

**BEST AVAILABLE COPY**

☐ A copy of the Notice is enclosed.

NOTE: The PTO requires that a copy of Form PTO-1533 be returned with the response to the notice to file missing parts to the application.

### DECLARATION OR OATH

II. (a) ☐ No declaration or oath was filed. Enclosed is the original declaration or oath for this application.

NOTE: If the correct inventor or inventors are not named on filing a nonprovisional application under Section 1.53(b) without an executed oath or declaration under Section 1.63, the later submission of an executed oath or declaration under Section 1.63 during the pendency of the application will act to correct the earlier identification of inventorship. 37 C.F.R. Section 1.48(j)(1).

OR

(b) ☐ The declaration or oath that was filed was determined to be defective. A new original oath or declaration is attached.

NOTE: For surcharge fee for filing declaration after filing date complete item VI(3) below.

NOTE: "The following combinations of information supplied in an oath or declaration filed after the filing date are acceptable as minimums for identifying a specification and compliance with any one of the items below will be accepted as complying with the identification requirement of 37 C.F.R. Section 1.63:

- (A) application number (consisting of the series code and the serial number, e.g., 08/123,456);
  - (B) serial number and filing date;
  - (C) attorney docket number which was on the specification as filed;
  - (D) title which was on the specification as filed and reference to an attached specification which is both attached to the oath or declaration at the time of execution and submitted with the oath or declaration; or
  - (E) title which was on the specification as filed and accompanied by a cover letter accurately identifying the application for which it was intended by either the application number (consisting of the series code and the serial number, e.g., 08/123,456), or serial number and filing date. Absent any statement(s) to the contrary, it will be presumed that the application filed in the PTO is the application which the inventor(s) executed by signing the oath or declaration.
- M.P.E.P. Section 601.01(a), 7th ed.

NOTE: Another minimum found acceptable in the declaration is the filing date (i.e., date of express mail) and the express mail number, useful where the serial number is not yet known. But note the practice where the express mail deposit is a Saturday, Sunday or holiday within the District of Columbia. 37 C.F.R. Section 1.10(c).

Attached is a (complete as applicable)

- (c) ☐ Statement by practitioner that papers attached to declaration are a copy of those filed in PTO to get a filing date
- (d) ☐ Statement that substitute specification contains no new matter.
- (e) ☒ Preliminary Amendment
- (f) ☐ Submission of "Sequence Listing," computer readable copy, and/or amendment pertaining thereto for biotechnology invention containing nucleotide and/or amino acid sequence

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**TRANSMITTAL OF ENGLISH TRANSLATION  
OF NON-ENGLISH LANGUAGE PAPERS**

- III. ☐ Submitted herewith is an English translation of the non-English language application papers as originally filed. Also submitted herewith is a statement by the translator of the accuracy of the translation. It is requested that this translation be used as the copy for examination purposes in the PTO.

NOTE: For fee processing a non-English application, complete item VI(5) below.

NOTE: A non-English oath or declaration in the form provided or approved by the PTO need not be translated. 37 C.F.R. Section 1.69(b).

**SMALL ENTITY STATUS**

- IV. a. ☐ A assertion that this filing is by a small entity

*(check and complete applicable items)*

- ☐ is attached.  
☐ was filed on \_\_\_\_\_ (original).  
☐ was made by paying the basic filing fee as a small entity.  
☐ is being made now by paying the basic filing fee as a small entity.

- b. ☐ A separate refund request accompanies this paper.

**COMPLETION FEES**

V.

**WARNING:** Failure to submit the surcharge fees where required will cause the application to become abandoned. 37 C.F.R. Section 1.53.

NOTE: For effect on fees of failure to establish status, or change status, as a small entity, see 37 C.F.R. Section 1.28(a).

I. Filing fee

- ☒ original patent application  
(37 C.F.R. Section 1.16(a)--\$770.00; small entity--\$385)

\$ 770

- ☐ design application  
(37 C.F.R. Section 1.16(f)--\$340; small entity--\$170)

\$ \_\_\_\_\_

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2. Fees for claims

☐ each independent claim in excess of 3  
(37 C.F.R. Section 1.16(b)--\$86; small entity--\$43)

\$ \_\_\_\_\_

☒ each claim in excess of 20  
(37 C.F.R. Section 1.16(c)--\$18; small entity--\$9)

\$ 486 <sup>27</sup>

☒ multiple dependent claim(s)  
(37 C.F.R. Section 1.16(d)--\$290; small entity--\$145)

\$ 290

3. Surcharge fees

☒ late payment of filing fee and/or late filing of original declaration or oath  
(37 C.F.R. Section 1.16(e)--\$130; small entity--\$65)

\$ 130

NOTE: Even where a facsimile declaration or oath signed by the inventor(s) was part of the originally filed papers, the surcharge fee is required.

NOTE: If both the filing fee and declaration or oath were missing from the original papers, the Office practice under 37 C.F.R. Section 1.16(e) is that only one surcharge fee need be paid whether the later filed oath or declaration and/or the filing fee are submitted afterwards at the same time or at different times.

4. ☐ Petition and fee for filing by other than  
all the inventors or a person not the inventor  
(37 C.F.R. Sections 1.17(i) and 1.47--\$130)

\$ \_\_\_\_\_

5. ☐ Fee for processing an application filed with  
a specification in a non-English language  
(37 C.F.R. Sections 1.17(k) and 1.52(d)--\$130)

\$ \_\_\_\_\_

6. ☐ Fee for processing and retention of application  
(37 C.F.R. Sections 1.21(l) and 1.53(d)--\$130)

\$ \_\_\_\_\_

NOTE: 37 C.F.R. Section 1.21(l) establishes a fee for processing and retaining any application which is abandoned for failing to complete the application pursuant to 37 C.F.R. Section 1.53(f) and this, as well as, the changes to 37 C.F.R. Section 1.53 and 1.78 indicate that in order to obtain the benefit of a prior U.S. application, either the basic filing fee or the processing and retention fee of Section 1.21(l) within 1 year of notification under Section 1.53(f) must be paid.

Total completion fees

\$ 1676

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## EXTENSION OF TIME

VI.

*(complete (a) or (b), as applicable)*

The proceedings herein are for a patent application, and the provisions of 37 C.F.R. Section 1.136(a) apply.

- (a) ☐ Applicant petitions for an extension of time, the fees for which are set out in 37 C.F.R. Section 1.17(a)(1)-(4), for the total number of months checked below:

Extension (months)	Fee for other than <u>small entity</u>	Fee for <u>small entity</u>
<input type="checkbox"/> one month	\$ 110.00	\$ 55.00
<input type="checkbox"/> two months	\$ 420.00	\$210.00
<input type="checkbox"/> three months	\$ 950.00	\$475.00
<input type="checkbox"/> four months	\$1,480.00	\$740.00

Fee \$ \_\_\_\_\_

If an additional extension of time is required, please consider this a petition therefor.

*(check and complete the next item, if applicable)*

☐ An extension for \_\_\_\_\_ months has already been secured, and the fee paid therefor of \$ \_\_\_\_\_ is deducted from the total fee due for the total months of extension now requested.

Extension fee due with this request \$ \_\_\_\_\_

OR

- (b) ☒ Applicant believes that no extension of term is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition and fee for extension of time.

## TOTAL FEE DUE

VII.

The total fee due is

Completion fee(s) \$ 1676  
Extension fee (if any) \$ \_\_\_\_\_

Total Fee Due \$ 1676

BEST AVAILABLE COPY



## PAYMENT OF FEES

### VII.

- ☒ Enclosed is a check in the amount of \$ 1676.
- ☐ Charge Account No. \_\_\_\_\_ in the amount of \$ \_\_\_\_\_.  
A duplicate of this request is attached.

*NOTE: Fees should be itemized in such a manner that it is clear for which purpose the fees are paid. 37 C.F.R. Section 1.22(b).*

Please charge Account No. 12-0425 for any fees which may be due by this paper.

## AUTHORIZATION TO CHARGE ADDITIONAL FEES

### IX.

*WARNING: Accurately count claims, especially multiple dependent claims, to avoid unexpected high charges if extra claims are authorized.*

*NOTE: "Amounts of twenty-five dollars or less will not be returned unless specifically requested within a reasonable time, nor will the payer be notified of such amounts; amounts over twenty-five dollars may be returned by check or, if requested, by credit to a deposit account." 37 C.F.R. Section 1.26(a).*

- ☒ The Commissioner is hereby authorized to charge the following additional fees that may be required by this paper and during the pendency of this application to Account No. 12-0425

- ☒ 37 C.F.R. Section 1.16(a), (f) or (g) (filing fees)
- ☐ 37 C.F.R. Section 1.16(b), (c) and (d) (presentation of extra claims)

*NOTE: Because additional fees for excess or multiple dependent claims not paid on filing or on later presentation must only be paid or these claims canceled by amendment prior to the expiration of the time period set for response by the PTO in any notice of fee deficiency (37 C.F.R. Section 1.16(d)), it might be best not to authorize the PTO to charge additional claim fees, except possibly when dealing with amendments after final action.*

- ☒ 37 C.F.R. Section 1.16(e) (surcharge for filing the basic filing fee and/or declaration on a date later than the filing date of the application)
- ☒ 37 C.F.R. Section 1.17(a)(1)-(5) (extension fees pursuant to Section 1.136(a)).
- ☒ 37 C.F.R. Section 1.17 (application processing fees)

NOTE: "A written request may be submitted in an application that is an authorization to treat any concurrent or future reply, requiring a petition for an extension of time under this paragraph for its timely submission, as incorporating a petition for extension of time for the appropriate length of time. An authorization to charge all required fees, fees under Section 1.17, or all required extension of time fees will be treated as a constructive petition for an extension of time in any concurrent or future reply requiring a petition for an extension of time under this paragraph for its timely submission. Submission of the fee set forth in Section 1.17(a) will also be treated as a constructive petition for an extension of time in any concurrent reply requiring a petition for an extension of time under this paragraph for its timely submission." 37 C.F.R. Section 1.136(a)(3).

NOTE: Section 1.311(b) provides that an authorization to charge the issue fee (§ 1.18) to a deposit account may be filed in an individual application only after the mailing of the notice of allowance. Accordingly, general authorizations to any fees and specific authorizations to pay the issue fee that are filed prior to the mailing of a notice of allowance will generally not be treated as requesting payment of the issue fee and will not be given effect to act as a reply to the notice of allowance. Applicant, when paying the issue fee, should submit a new authorization to charge fees, such as by completing box 6b on the current PTOL 85-B form. Where no reply to the notice of allowance is received, the application will stand abandoned notwithstanding the presence of general authorizations to pay fees or a specific authorization to pay the issue fee that were submitted prior to mailing of the notice of allowance. Where an attempt is made to pay the issue fee but an incorrect amount is submitted, § 1.311(b)(1), or where the Office's issue fee transmittal form (currently PTOL-85(B)) is completed by applicant and submitted, § 1.311(b)(2), in reply to a notice of allowance, an exception will be made. Such submissions will operate as a request to charge the issue fee to any deposit account identified in a previously filed (i.e., submitted prior to the mailing of the notice of allowance) authorization to charge fees, and will be allowed to act as payment of the correct issue fee, § 1.311(b). See also the change to § 1.26(b), Notice of September 8, 2000, Fed. Reg. 54603-54683, at 54646 and 54647.

SIGNATURE OF PRACTITIONER

CLIFFORD J. MASS

(type or print name of practitioner)

P.O. Address

c/o Ladas & Parry  
26 West 61<sup>st</sup> Street  
New York, N.Y. 10023

Reg. No.: 30,086

Tel. No.: (212) 708-1890

Customer No.: 00140

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U 012130-1

November 17, 2003

In re application of: Aharon Meir EYAL, et al

Serial No.: 09/147,914

Group No.: 1613

Filed: May 25, 1999

Examiner.: Taylor V. Oh

For: PROCESS FOR THE RECOVERY OF LACTIC ACID FROM AQUEOUS  
LACTATE SALT SOLUTIONS, INVOLVING THE USE OF ION  
EXCHANGERS

COMPLETION OF FILING REQUIREMENTS -- NONPROVISIONAL APPLICATION:  
PRELIMINARY AMENDMENT: RENEWED REQUEST TO WITHDRAW  
ABANDONMENT: COPY REQUEST TO WITHDRAW HOLD OF ABANDONMENT  
DATED JULY 30, 2003 WITH COPY OF POST CARD: CHECK NO. P047706 IN THE  
AMOUNT OF \$1676

Filed: \_\_\_\_\_

CJM/bds



BEST AVAILABLE COPY

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: 147914 Aharon Meir EYAL, et al

Application No.: 09/174,914

Group No.: 1613

Filed: May 25, 1999

Examiner: Taylor V. Oh

For: PROCESS FOR THE RECOVERY OF LACTIC ACID FROM AQUEOUS LACTATE SALT SOLUTIONS, INVOLVING THE USE OF ION EXCHANGERS

Mail Stop Missing Part

Commissioner for Patents

P. O. Box 1450

Alexandria, VA 22313-1450

08/21/2006 SDIRETA1 00000006 09147914

01 FC:1006

770.00 OP

02 FC:1202

486.00 OP

03 FC:1203

290.00 OP

04 FC:1460

130.00 OP

COMPLETION OF FILING REQUIREMENTS

-- NONPROVISIONAL APPLICATION

(check and complete this item, if applicable)

- I. This replies to the Notice to File Missing Parts of Application (PTO-1533) or Notice of Informal Application or Notice to File Corrected Applications Papers mailed \_\_\_\_\_.

NOTE: If these papers are filed before the office letter issues, adequate identification of the original papers should be made, e.g., in addition to the name of the inventor and title of invention, the filing date based on the "Express Mail" procedure, the serial number from the return post card or the attorney's docket number added.

CERTIFICATION UNDER 37 C.F.R. 1.8(a) and 1.10\*

(When using Express Mail, the Express Mail label number is mandatory; Express Mail certification is optional.)

I hereby certify that, on the date shown below, this correspondence is being:

MAILING

- ☒ deposited with the United States Postal Service in an envelope addressed to the Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.

37 C.F.R. 1.8(a)

- ☒ with sufficient postage as first class mail.

37 C.F.R. 1.10\*

- ☐ as "Express Mail Post Office to Address" Mailing Label No. \_\_\_\_\_ (mandatory)

TRANSMISSION

- ☐ transmitted by facsimile to the Patent and Trademark Office.

Date: November 17, 2003

Signature

CLIFFORD J. MASS

(type or print name of person certifying)

\*WARNING: Each paper or fee filed by "Express Mail" must have the number of the "Express Mail" mailing label placed thereon prior to mailing. 37 C.F.R. 1.10(b).

"Since the filing of correspondence under § 1.10 without the Express Mail mailing label thereon is an oversight that can be avoided by the exercise of reasonable care, requests for waiver of this requirement will be granted on petition." Notice of Oct. 24, 1996, 60 Fed. Reg. 56,439, at 56,442.

11/21/2003 AHONDAF1 00000099 09174914

01 FC:1051 130.00 OP  
02 FC:1202 486.00 OP  
03 FC:1203 290.00 OP  
04 FC:1461 770.00 OP

(Completion of Filing Requirements--Nonprovisional Application--page 1 of 7) 5-1

NOV 21 2003

OFFICE OF PETITIONS

☐ A copy of the Notice is enclosed.

**NOTE:** The PTO requires that a copy of Form PTO-1533 be returned with the response to the notice to file missing parts to the application.

### DECLARATION OR OATH

II. (a) ☐ No declaration or oath was filed. Enclosed is the original declaration or oath for this application.

**NOTE:** If the correct inventor or inventors are not named on filing a nonprovisional application under Section 1.53(b) without an executed oath or declaration under Section 1.63, the later submission of an executed oath or declaration under Section 1.63 during the pendency of the application will act to correct the earlier identification of inventorship. 37 C.F.R. Section 1.48(f)(1).

OR

(b) ☐ The declaration or oath that was filed was determined to be defective. A new original oath or declaration is attached.

**NOTE:** For surcharge fee for filing declaration after filing date complete item VI(3) below.

**NOTE:** The following combinations of information supplied in an oath or declaration filed after the filing date are acceptable as minimums for identifying a specification and compliance with any one of the items below will be accepted as complying with the identification requirement of 37 C.F.R. Section 1.63:

- (A) application number (consisting of the series code and the serial number, e.g., 08/123,456);
- (B) serial number and filing date;
- (C) attorney docket number which was on the specification as filed;
- (D) title which was on the specification as filed and reference to an attached specification which is both attached to the oath or declaration at the time of execution and submitted with the oath or declaration; or
- (E) title which was on the specification as filed and accompanied by a cover letter accurately identifying the application for which it was intended by either the application number (consisting of the series code and the serial number, e.g., 08/123,456), or serial number and filing date. Absent any statement(s) to the contrary, it will be presumed that the application filed in the PTO is the application which the inventor(s) executed by signing the oath or declaration.

M.P.E.P. Section 601.01(a), 7th ed.

**NOTE:** Another minimum found acceptable in the declaration is the filing date (i.e., date of express mail) and the express mail number, useful where the serial number is not yet known. But note the practice where the express mail deposit is a Saturday, Sunday or holiday within the District of Columbia. 37 C.F.R. Section 1.10(c).

(complete as applicable)

Attached is a

- (c) ☐ Statement by practitioner that papers attached to declaration are a copy of those filed in PTO to get a filing date
- (d) ☐ Statement that substitute specification contains no new matter.
- (e) ☒ Preliminary Amendment
- (f) ☐ Submission of "Sequence Listing," computer readable copy, and/or amendment pertaining thereto for biotechnology invention containing nucleotide and/or amino acid sequence

Adjustment date: 08/21/2006 LLANDGRA  
11/21/2003 AWONDAF1 00000099 09174914  
01 FC:1051 -130.00 OP  
02 FC:1202 -486.00 OP  
03 FC:1203 -290.00 OP  
04 FC:1461 -770.00 OP

**TRANSMITTAL OF ENGLISH TRANSLATION  
OF NON-ENGLISH LANGUAGE PAPERS**

- III. ☐ Submitted herewith is an English translation of the non-English language application papers as originally filed. Also submitted herewith is a statement by the translator of the accuracy of the translation. It is requested that this translation be used as the copy for examination purposes in the PTO.

*NOTE: For fee processing a non-English application, complete item VI(5) below.*

*NOTE: A non-English oath or declaration in the form provided or approved by the PTO need not be translated. 37 C.F.R. Section 1.69(b).*

**SMALL ENTITY STATUS**

- IV. a. ☐ A assertion that this filing is by a small entity

*(check and complete applicable items)*

- ☐ is attached.  
☐ was filed on \_\_\_\_\_ (original).  
☐ was made by paying the basic filing fee as a small entity.  
☐ is being made now by paying the basic filing fee as a small entity.

- b. ☐ A separate refund request accompanies this paper.

**COMPLETION FEES**

V.

**WARNING:** *Failure to submit the surcharge fees where required will cause the application to become abandoned. 37 C.F.R. Section 1.53.*

**NOTE:** *For effect on fees of failure to establish status, or change status, as a small entity, see 37 C.F.R. Section 1.28(a).*

I. Filing fee

- ☒ original patent application  
(37 C.F.R. Section 1.16(a)--\$770.00; small entity--\$385) \$ 770
- ☐ design application  
(37 C.F.R. Section 1.16(f)--\$340; small entity--\$170) \$ \_\_\_\_\_

**RECEIVED**

NOV 21 2003

**OFFICE OF PETITIONS**

2. Fees for claims

- ☐ each independent claim in excess of 3  
(37 C.F.R. Section 1.16(b)--\$86; small entity--\$43) \$ \_\_\_\_\_
- ☒ each claim in excess of 20  
(37 C.F.R. Section 1.16(c)--\$18; small entity--\$9) \$ 486
- ☒ multiple dependent claim(s)  
(37 C.F.R. Section 1.16(d)--\$290; small entity--\$145) \$ 290

3. Surcharge fees

- ☒ late payment of filing fee and/or late filing of original declaration or oath  
(37 C.F.R. Section 1.16(e)--\$130; small entity--\$65) \$ 130

*NOTE: Even where a facsimile declaration or oath signed by the inventor(s) was part of the originally filed papers, the surcharge fee is required.*

*NOTE: If both the filing fee and declaration or oath were missing from the original papers, the Office practice under 37 C.F.R. Section 1.16(e) is that only one surcharge fee need be paid whether the later filed oath or declaration and/or the filing fee are submitted afterwards at the same time or at different times.*

4. ☐ Petition and fee for filing by other than  
all the inventors or a person not the inventor  
(37 C.F.R. Sections 1.17(i) and 1.47--\$130) \$ \_\_\_\_\_
5. ☐ Fee for processing an application filed with  
a specification in a non-English language  
(37 C.F.R. Sections 1.17(k) and 1.52(d)--\$130) \$ \_\_\_\_\_
6. ☐ Fee for processing and retention of application  
(37 C.F.R. Sections 1.21(l) and 1.53(d)--\$130) \$ \_\_\_\_\_

*NOTE: 37 C.F.R. Section 1.21(l) establishes a fee for processing and retaining any application which is abandoned for failing to complete the application pursuant to 37 C.F.R. Section 1.53(f) and this, as well as, the changes to 37 C.F.R. Section 1.53 and 1.78 indicate that in order to obtain the benefit of a prior U.S. application, either the basic filing fee or the processing and retention fee of Section 1.21(l) within 1 year of notification under Section 1.53(f) must be paid.*

Total completion fees \$ 1676

## EXTENSION OF TIME

### VI.

*(complete (a) or (b), as applicable)*

The proceedings herein are for a patent application, and the provisions of 37 C.F.R. Section 1.136(a) apply.

- (a) ☐ Applicant petitions for an extension of time, the fees for which are set out in 37 C.F.R. Section 1.17(a)(1)-(4), for the total number of months checked below:

Extension (months)	Fee for other than <u>small entity</u>	Fee for <u>small entity</u>
<input type="checkbox"/> one month	\$ 110.00	\$ 55.00
<input type="checkbox"/> two months	\$ 420.00	\$210.00
<input type="checkbox"/> three months	\$ 950.00	\$475.00
<input type="checkbox"/> four months	\$1,480.00	\$740.00

Fee \$ \_\_\_\_\_

If an additional extension of time is required, please consider this a petition therefor.

*(check and complete the next item, if applicable)*

☐ An extension for \_\_\_\_\_ months has already been secured, and the fee paid therefor of \$ \_\_\_\_\_ is deducted from the total fee due for the total months of extension now requested.

Extension fee due with this request \$ \_\_\_\_\_

OR

- (b) ☒ Applicant believes that no extension of term is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition and fee for extension of time.

## TOTAL FEE DUE

### VII.

The total fee due is

Completion fee(s) \$ 1676  
Extension fee (if any) \$ \_\_\_\_\_

Total Fee Due \$ 1676



## PAYMENT OF FEES

### VII.

☒ Enclosed is a check in the amount of \$ 1676.

☐ Charge Account No. \_\_\_\_\_ in the amount of \$ \_\_\_\_\_.  
A duplicate of this request is attached.

*NOTE: Fees should be itemized in such a manner that it is clear for which purpose the fees are paid. 37 C.F.R. Section 1.22(b).*

Please charge Account No. 12-0425 for any fees which may be due by this paper.

## AUTHORIZATION TO CHARGE ADDITIONAL FEES

### IX.

*WARNING: Accurately count claims, especially multiple dependent claims, to avoid unexpected high charges if extra claims are authorized.*

*NOTE: "Amounts of twenty-five dollars or less will not be returned unless specifically requested within a reasonable time, nor will the payer be notified of such amounts; amounts over twenty-five dollars may be returned by check or, if requested, by credit to a deposit account." 37 C.F.R. Section 1.26(a).*

☒ The Commissioner is hereby authorized to charge the following additional fees that may be required by this paper and during the pendency of this application to Account No. 12-0425

☒ 37 C.F.R. Section 1.16(a), (f) or (g) (filing fees)

☐ 37 C.F.R. Section 1.16(b), (c) and (d) (presentation of extra claims)

*NOTE: Because additional fees for excess or multiple dependent claims not paid on filing or on later presentation must only be paid or these claims canceled by amendment prior to the expiration of the time period set for response by the PTO in any notice of fee deficiency (37 C.F.R. Section 1.16(d)), it might be best not to authorize the PTO to charge additional claim fees, except possibly when dealing with amendments after final action.*

☒ 37 C.F.R. Section 1.16(e) (surcharge for filing the basic filing fee and/or declaration on a date later than the filing date of the application)

☒ 37 C.F.R. Section 1.17(a)(1)-(5)(extension fees pursuant to Section 1.136(a).

☒ 37 C.F.R. Section 1.17 (application processing fees)



1625

Practitioner's Docket

U 012130-1

**PATENT**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of: Aharon Meir EYAL, et al

Serial No.: 09/147,914

Group No.: 1625

Filed: May 25, 1999

Examiner: Taylor V. Oh

For: **PROCESS FOR THE RECOVERY OF LACTIC ACID FROM AQUEOUS  
LACTATE SALT SOLUTIONS, INVOLVING THE USE OF ION  
EXCHANGERS**

**Commissioner for Patents  
P. O. Box 1450  
Alexandria, VA 22313-1450**

**TRANSMITTAL**

**WARNING:** Failure to file a complete response in compliance with § 1.135(c) leads to a reduction in patent term adjustment - See § 1.704(c)(7).

1. Transmitted herewith is an amendment for this application.

**STATUS**

2. The application is qualified as

- ☐ a small entity.  
☒ other than a small entity.

**CERTIFICATION UNDER 37 C.F.R. 1.8(a) and 1.10\***

*(When using Express Mail, the Express Mail label number is mandatory;  
Express Mail certification is optional.)*

I hereby certify that, on the date shown below, this correspondence is being:

**MAILING**

- ☒ deposited with the United States Postal Service in an envelope addressed to the Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.

**37 C.F.R. 1.8(a)**

**37 C.F.R. 1.10\***

- ☒ with sufficient postage as first class mail.

- ☐ as "Express Mail Post Office to Addressee"  
Mailing Label No. \_\_\_\_\_ (mandatory)

**TRANSMISSION**

- ☐ transmitted by facsimile to the Patent and Trademark Office, to (571)-273-8300

Date: July 31, 2006

Signature

CLIFFORD J. MASS

(type or print name of person certifying)

Only the date of filing (§ 1.6) will be the date used in a patent term adjustment calculation, although the date on any certificate of mailing or transmission under § 1.8 continues to be taken into account in determining timeliness. See § 1.703(f). Consider "Express Mail Post Office to Addressee" (§ 1.10) or facsimile transmission (§ 1.6(d)) for the reply to be accorded the earliest possible filing date for patent term adjustment calculations.



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Aharon Meir EYAL, et al

Serial No.: 09/147,914      Group No.: 1625

Filed: May 25, 1999      Examiner.: Taylor V. Oh

For: PROCESS FOR THE RECOVERY OF LACTIC ACID FROM AQUEOUS  
LACTATE SALT SOLUTIONS, INVOLVING THE USE OF ION EXCHANGES

Attorney Docket No.: U 012130-1

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

RESPONSE TO OFFICIAL ACTION

The Official Action of 2 May 2006 has been carefully considered and reconsideration  
of the application in view of the present submission is respectfully requested.

**CERTIFICATION UNDER 37 CFR 1.8(a) and 1.10\***

*(When using Express Mail, the Express Mail label number is mandatory;  
Express Mail certification is optional.)*

I hereby certify that, on the date shown below, this correspondence is being:

**MAILING**

- ☒ deposited with the United States Postal Service in an envelope addressed to the Commissioner for Patents, P.  
O. Box 1450, Alexandria, VA 22313-1450.  
37 CFR 1.8(a)

37 CFR 1.10\*

- ☒ with sufficient postage as first class mail.

☐ as "Express Mail Post Office to Address"  
Mailing Label No. \_\_\_\_\_ (mandatory)

**TRANSMISSION**

- ☐ transmitted by facsimile to the Patent and Trademark Office. to (571)-273-8300

Date: July 31, 2006

Signature

CLIFFORD J. MASS

*(type or print name of person certifying)*

**\*WARNING:** Each paper or fee filed by "Express Mail" must have the number of the "Express Mail" mailing label placed thereon prior to mailing. 37 CFR 1.10(b).  
"Since the filing of correspondence under § 1.10 without the Express Mail mailing label thereon is an oversight that can be avoided by the exercise of reasonable care, requests for waiver of this requirement will not be granted on petition." Notice of Oct. 24, 1996, 60 Fed. Reg. 56,439, at 56,442.

## EXTENSION OF TERM

**NOTE:** "Extension of Time in Patent Cases (Supplement Amendments) — If a timely and complete response has been filed after a Non-Final Office Action, an extension of time is not required to permit filing and/or entry of an additional amendment after expiration of the shortened statutory period.

*If a timely response has been filed after a Final Office Action, an extension of time is required to permit filing and/or entry of a Notice of Appeal or filing and/or entry of an additional amendment after expiration of the shortened statutory period unless the timely-filed response placed the application in condition for allowance. Of course, if a Notice of Appeal has been filed within the shortened statutory period, the period has ceased to run.* " Notice of December 10, 1985 (1061 O.G. 34-35).

**NOTE:** See 37 C.F.R. § 1.645 for extensions of time in interference proceedings, and 37 C.F.R. § 1.550(c) for extensions of time in reexamination proceedings.

**NOTE:** 37 C.F.R. § 1.704(b)". . . an applicant shall be deemed to have failed to engage in reasonable efforts to conclude processing or examination of an application for the cumulative total of any periods of time in excess of three months that are taken to reply to any notice or action by the Office making any rejection, objection, argument, or other request, measuring such three-month period from the date the notice or action was mailed or given to the applicant, in which case the period of adjustment set forth in § 1.703 shall be reduced by the number of days, if any, beginning on the day after the date that is three months after the date of mailing or transmission of the Office communication notifying the applicant of the rejection, objection, argument, or other request and ending on the date the reply was filed. The period, or shortened statutory period, for reply that is set in the Office action or notice has no effect on the three-month period set forth in this paragraph."

3. The proceedings herein are for a patent application and the provisions of 37 C.F.R. 1.136 apply.

(complete (a) or (b), as applicable)

(a) ☐ Applicant petitions for an extension of time under 37 C.F.R. 1.136 (fees: 37 C.F.R. 1.17(a)(1)-(4)) for the total number of months checked below:

	Extension (months)	Fee for other than <u>small entity</u>	Fee for <u>small entity</u>
<input type="checkbox"/>	one month	\$ 120.00	\$ 60.00
<input type="checkbox"/>	two months	\$ 450.00	\$ 225.00
<input type="checkbox"/>	three months	\$ 1,020.00	\$ 510.00
<input type="checkbox"/>	four months	\$ 1,590.00	\$ 795.00
<input type="checkbox"/>	five months	\$ 2,160.00	\$ 1,080.00

Fee: \$ \_\_\_\_\_

If an additional extension of time is required, please consider this a petition therefor.

(check and complete the next item, if applicable)

☐ An extension for \_\_\_\_\_ months has already been secured. The fee paid therefor of \$ \_\_\_\_\_ is deducted from the total fee due for the total months of extension now requested.

Extension fee due with this request \$ \_\_\_\_\_

OR

- (b) ☒ Applicant believes that no extension of term is required. However, this is a conditional petition being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition for extension of time.

### FEE FOR CLAIMS

4. The fee for claims (37 C.F.R. 1.16(b)-(d)) has been calculated as shown below:

(Col. 1)		(Col. 2)		(Col. 3)		SMALL ENTITY	OTHER THAN A SMALL ENTITY	
Claims Remaining After Amendment		Highest No. Previously Paid For		Present Extra		Addit. Fee	Rate	
							O R	
Total	*	Minus	**	=	x \$ 25	\$	x \$ 50=	\$
Indep.	*	Minus	***	=	x \$ 100	\$	x \$ 200	\$
<input type="checkbox"/> First Presentation of Multiple Dependent Claims						+ \$180=	\$	+ \$360=
						Total Addit. Fee	\$ ____	O R
						Total Addit. Fee	\$ ____	

\* If the entry in Col. 1 is less than the entry in Col. 2, write "O" in Col. 3.

\*\* If the "Highest No. Previously Paid For" IN THIS SPACE is less than 20, enter "20".

\*\*\* If the "Highest No. Previously Paid For" IN THIS SPACE is less than 3, enter "3".

The "Highest No. Previously Paid For" (Total or Indep.) is the highest number found in the appropriate box in Col. 1 of a prior amendment or the number of claims originally filed.

**WARNING:** "After final rejection or action (§ 1.113) amendments may be made canceling claims or complying with any requirement of form which has been made." 37 C.F.R. 1.116(a) (emphasis added).

(complete (c) or (d), as applicable)

- (c) ☒ No additional fee for claims is required.

OR

- (d) ☐ Total additional fee for claims required \$ \_\_\_\_\_

### FEE PAYMENT

5. ☐ Attached is a check in the sum of \$ \_\_\_\_\_
- ☐ Charge Account No. 12-0425 the sum of \$ \_\_\_\_\_
- A duplicate of this transmittal is attached.

## FEE DEFICIENCY OR OVERPAYMENT

**NOTE:** *If there is a fee deficiency and there is no authorization to charge an account, additional fees are necessary to cover the additional time consumed in making up the original deficiency. If the maximum, six-month period has expired before the deficiency is noted and corrected, the application is held abandoned. In those instances where authorization to charge is included, processing delays are encountered in returning the papers to the PTO Finance Branch in order to apply these charges prior to action on the cases. Authorization to charge the deposit account for any fee deficiency should be checked. See the Notice of April 7, 1986, (1065 O.G. 31-33).*

6. ☒ If any additional extension and/or fee is required, charge Account No. 12-0425.

AND/OR

- ☒ If any additional fee for claims is required, charge Account No. 12-0425

AND/OR

- ☒ Refund any overpayment to Account No. 12-0425.

Reg. No. 30086

Tel. No. 212-708-1890

  
\_\_\_\_\_  
SIGNATURE OF PRACTITIONER

\_\_\_\_\_  
CLIFFORD J. MASS

(type or print name of practitioner)

\_\_\_\_\_  
P.O. Address

\_\_\_\_\_  
c/o Ladas & Parry LLP  
26 West 61 Street  
New York, N.Y. 10023

Customer No.:



00140

PATENT TRADEMARK OFFICE